



Docket No.: 1419.1059C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yoshinobu KANEKO

Serial No. 10/798,273

Group Art Unit: 3712

Confirmation No. 5865

Filed: March 12, 2004

Examiner: Jamila O. Williams

For: ATTACHMENT FOR MOTOR FOR TOY

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. §1.321(b))

INTEREST AND TITLE OF PERSON MAKING THIS DISCLAIMER

I, William Herbert, represent that I am an attorney of the Assignee identified below owning all of the interest in this application, and am authorized to sign on behalf of the Assignee.

IDENTITY OF ASSIGNEE

The Assignee is TOMY COMPANY, LTD. a corporation organized and existing under the laws of Japan, having its office and principal place of business at No. 9-10, Tateishi 7-chome, Katsushika-ku, Tokyo, Japan.

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignments identified below. The Assignee hereby certifies that the evidentiary documents of the chain of title, if applicable, have been reviewed and, to the best of Assignee's knowledge and belief, title is in the Assignee identified herein.

RECORD OF ASSIGNMENT IN PTO

The assignments of the above-referenced application were recorded at Reel, 012799, Frame 0360, Reel 014489, Frame 0899, and Reel 014489, Frame 0957.

DISCLAIMER

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of Assignee's U.S. Patent No. 6,783,423, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the U.S. Patent No. 6,783,423, the agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term in the event U.S. Patent No. 6,783,423 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FEE

Attached is the appropriate \$130 large entity disclaimer fee set by 37 C.F.R. §1.20(d).

for TOMY COMPANY, LTD.

By:

William F. Herbert
Attorney of Record, 37 CFR
§ 1.321(a)(1)